

BLUE RIBBON COMMISSION ON CHILDREN IN FOSTER CARE
Minutes of the March 22–23, 2007 Meeting
Sacramento, California

The commission meeting began at the State Capitol in the morning on March 22 with individual visits to the offices of key legislators by commission members and staff. The appointments were coordinated by staff from the AOC's Office of Governmental Affairs. During the meetings, legislators and their staffs received information about the commission and its principles, values, and goals.

In the afternoon, the commission held a public hearing at the Capitol with members of the Assembly Select Committee on Foster Care about the role of the courts in foster care and the experiences in court of youth, parents, caregivers, and court officials. Formal panel presentations were followed by comments from many participants in a public comment period.

Justice Carlos R. Moreno, chair, called the meeting to order at 8:30 a.m. on Friday, March 23, 2007, at the Northern/Central Regional Office in Sacramento, California.

Commission Members Present: Hon. Carlos R. Moreno (chair), Ms. Mary Ault, Mr. Lawrence B. Bolton, Mr. Curtis L. Child, Ms. Miryam J. Choca, Mr. Michael Cunningham, Ms. Karen Dotson, Dr. Jill Duerr Berrick, Hon. Richard D. Huffman, Ms. Miriam Aroni Krinsky, Mr. Will Lightbourne, Hon. Bill Maze, Ms. Donna C. Myrow, Hon. Michael Nash, Mr. David Neilsen, Ms. Diane Nunn, Mr. Ken Patterson, Mr. Anthony Pico, Ms. Patricia Ploehn, Ms. Pat Reynolds-Harris, Ms. Jennifer Rodriguez, Mr. Gary C. Seiser, Mr. Joseph L. Spaeth, and Hon. Dean T. Stout.

Commission Members Not Present: Mr. Michael D. Antonovich, Hon. Karen Bass, Hon. Richard C. Blake, Mr. Joseph W. Cotchett, Hon. Kathryn Doi Todd, Hon. Leonard P. Edwards (Ret.), Mr. Raul A. Escatel, Ms. Deborah Escobedo, Hon. Terry B. Friedman, Hon. Susan D. Huguenor, Ms. Teri Kook, Ms. Amy Lemley, Mr. Derek Peake, Ms. Linda Penner, Ms. Maria D. Robles, and Hon. Darrell S. Steinberg.

Commission and Administrative Office of the Courts Staff: Mr. Christopher Wu (lead), Ms. Myrna Caamic, Ms. Carolynn Castaneda, Mr. Jim Hill, Ms. Megan Lafrenz, Mr. Lee D. Morhar, Ms. Chantal Sampogna, Ms. Sonya Tafoya, Ms. Renee Wessels (consultant), Mr. Don Will, and Ms. Leah Wilson.

Others Present: Ms. Sue Diedrich, Ms. Joanne Edgar, Mr. Robert E. Friend, Mr. Gregory J. Halemba, Ms. Caroline Huffman, Ms. Nancy Kahn, Ms. Tilisha Martin, Dr. Barbara Needell, Dr. Kathryn Orfirer, Ms. Marta Osterloh, Ms. Joni Pitcl, Ms. Katie Sullivan, Ms. Cheryl Treadwell, and Ms. Jacqueline Wong.

Item 1 Welcome and Remarks From the Chair
Justice Carlos R. Moreno, Chair

The commission chair, Justice Carlos R. Moreno, welcomed commissioners and participants to the fifth meeting of the Blue Ribbon Commission on Children in Foster Care. Minutes of the December meeting were approved.

Chairman Moreno reminded members of the commission's goals, stating that our charge is to provide recommendations to the Judicial Council on the ways in which the courts can ensure safety, permanency, and well-being while also providing due fairness when achieving our outcomes. He noted that the commission is at its one-year stage and recommendations are due a year from today. He also pointed out a visual timeline, included in the binder, which gives perspective on the commission's goals and future.

Justice Moreno further reiterated the commission's objectives, stating that we look to achieve politically viable recommendations for improving court performance and accountability, seek improved collaboration by pointing out that the courts do not operate in isolation, emphasize the overall increased awareness on the role of the courts in the foster-care system, and recognize the need for flexible funding.

Justice Moreno highlighted a few things that he felt were significant from the hearing testimony and the public comment, most prominently, the importance of listening to the needs and requirements, both legal and personal, of the people who appear in the courtroom.

He also noted that he and some commission members met the previous day with legislators and their staffs. In terms of collaboration, he pointed out that the work must take into account both the macro and the micro perspectives in order to be successful.

Justice Moreno then spoke about the movement of the commission from the data collection and education phase into the recommendation and implementation phase. He stated that when this commission comes to an end, it will have some great, practical recommendations to present to the Judicial Council, and the council will do its best to implement these recommendations statewide and at the county level.

Justice Moreno reviewed the morning's agenda and noted that the roundtable discussion will be facilitated and moderated by Ms. Diane Nunn. He also mentioned that we will be hearing about work regarding the development of a set of performance measures on how well the dependency courts are doing in improving foster-care outcomes. Then all subcommittees will meet and come back with brief reports.

Item 2 Commission Activities
Mr. Christopher Wu, Lead Staff

Mr. Wu highlighted a few events that since the last commission meeting, beginning with the Statewide Foster Youth Summit on January 23. The primary sponsors were the

Foster Youth Education Task Force, Child and Family Policy Institute, and Casey Family Programs. Counties sent teams with representatives from the courts, child welfare, and education, as well as youth and others. Jennifer Rodriguez shared a digital story highlighting some of the educational milestones in her life. Participants met in groups to discuss issues such as transitioning youth into higher education; clarifying the educational decision-making process, partly through court oversight of educational issues; and the courts' sharing of relevant data.

On February 23, Justice Moreno was presented with the Children's Advocacy Award from Legal Services for Children in San Francisco, where he also delivered a speech on the Commission and our activities. On March 8 and 9 the Second National Judicial Summit on Child Welfare and the Courts was held in New York. States were invited to send chief justices, judges, child welfare agency directors, court administrators, and others. Our team from California included Judge Michael Nash, Judge Susan Huguenor, Ms. Diane Nunn, Ms. Mary Ault, Mr. Larry Bolton and Mr. William C. Vickrey, Administrative Director of the Courts. At this summit the California plan that was developed included data exchange and performance measures and establishing a high-level executive oversight team to work on the relationship between our child welfare data system and our case management system. Also explored was the need for necessary resources for implementing best practices and disaster planning for child welfare and the courts.

Ms. Jennifer Rodriguez mentioned that California Youth Connection members had just completed their day at the Capitol, where 120 youth were able to visit with legislators and talk about what happens to youth when they are turned over to the juvenile justice system. As a result of this, Assembly Bill 638, co-authored by Assembly Member Maze and Assembly Member Bass, is being offered to address this problem.

Item 3 California Permanency for Youth Task Force Recommendations

Ms. Pat Reynolds-Harris, Director of CPYP

Ms. Jennifer Rodriguez, Legislative, and Policy Coordinator of CYC

Ms. Pat Reynolds-Harris reminded the commission of her retirement from the California Permanency for Youth Partnership and announced that Mr. Robert E. Friend has been working as assistant director and is hopeful the Chief Justice will appoint him to the commission in her place. She introduced Ms. Rodriguez to speak to the commission about the recommendations that the California Permanency for Youth Task Force has set forth regarding youth participation in the court process.

1. Require youth to exercise their right to attend and participate in court hearings as required by law.
2. Restructure court proceedings so that there is a meaningful opportunity for youth to participate if they do show up at court hearings.
3. Support and prepare youth for participation in hearings so that they are able to fully participate.
4. Make sure that judges, attorneys, and CASAs are aware of youth development and that they truly understand permanence.

5. Have judges, attorneys, and CASAs work with child welfare agencies to make sure that permanency planning meets the needs of the youth and that those plans are carried out.
6. Encourage attorneys and judges to work with youth, advocates and other professionals to identify and remove barriers to both youth participation in court and permanency.

Item 4 Public Education Materials
Ms. Renee Wessels, Consultant

Ms. Renee Wessels reviewed new materials provided in the commissioner's binders geared toward the commission's goal of increasing public understanding and awareness of the role of the courts. She introduced Ms. Sandy Banks from the *L.A. Times*, who is writing a story on Justice Moreno.

- ACTION ITEM: PowerPoint presentation will be e-mailed to commissioners to help them in their public outreach.

Item 5 Roundtable Discussion
Ms. Diane Nunn, Moderator

Ms. Nunn indicated that the purpose of the discussion is to focus on improving the court process while making sure it is a fair and meaningful experience for youth. She introduced Assembly Member Bill Maze to summarize yesterday's hearing. He noted that 42 bills have been introduced this year alone on the topic of foster care. He summarized the topics brought up by the panelists.

Ms. Nunn began the discussion by introducing the following guest presenters: Ms. Marta Osterloh, Marin County deputy public defender; Mr. Frank Dougherty, a psychologist and parent's attorney; Justice Richard Huffman, a member of the commission and the Judicial Council; Mr. Frank Mecca, the executive director of the County Welfare Directors Association; Dr. Kathryn Orfirer, a psychologist with the Oakland Children's hospital; Ms. Erin Cary, a social worker in Stanislaus County; and Judge Michael Nash, a member of the commission and presiding judge of juvenile court, Superior Court of Los Angeles.

Dr. Orfirer started out by drawing attention to the need to bring the child's voice into the courtroom and the importance of cross-training of court officials regarding mental health procedures and, conversely, the training of mental health officials about court proceedings. She also stressed the importance of communication and developing consistency and rapport with children in the effort to bring their voice into their hearings.

Justice Huffman stated that to make courts more accessible, we need to realize that this population has transportation issues, literacy complications, and less stable housing. Because of the level of government involvement, it is our mandate to provide effective accessibility and notice of hearings.

Mr. Seiser raised the issue of caseload. Mr. Dougherty elaborated on this, stating that the system should not bring in more families or children than it can serve because the courts' ability to provide fairness and due process would be severely lessened. We may end up doing more harm than good, so the court would ultimately lose public respect and authority.

The discussion returned to the topic of due process, and Ms. Rodriguez mentioned that the whole system needs to be set up so that it is sensitive and heightened sense of understanding that courts could potentially take away everything from a child. Judge Nash agreed, adding that there is a shared responsibility when we talk about the notice issue. This idea was expanded further when Mr. Seiser mentioned the need for emotional due process along with the legal process.

Based on the discussion, the following issues were highlighted and will be addressed at a future commission meeting: the lack of resources available, the disproportionate number of children of color in the dependency system, and the high number of children who transfer from the dependency system into the delinquency system.

Item 6 Presentation of Draft Performance Measures

Hon. Dean Stout, Commissioner

A copy of the Draft Performance Measures was presented.

- ACTION ITEM: The commissioners were asked to review and provide any comments by Friday, April 20, 2007. They were also encouraged to share the draft document with any entity that may have other helpful observations. This deadline was established to give the subcommittees time to revise and present a final draft at the June meeting.

Item 7 Subcommittee Meetings and Report Back From Subcommittee Chairs

The commission broke into its respective subcommittees. The subcommittees discussed the priorities of their work and major topic areas, came up with recommendations and planned next steps. Chairs of subcommittees reported back with discussion topics.

The meeting was adjourned at 3 p.m.